

Remarks

The amendment to the Specification provided above is to place the application in compliance with 37 CFR 1.78.

MPEP 200.11(D) states:

D. Reference Must Be Included in the Specification or an Application Data Sheet (ADS)

The reference required by 37 CFR 1.78(a)(2) or (a)(5) must be included in an ADS or the specification must contain or be amended to contain such reference in the first sentence following the title. **If an applicant includes a benefit claim in the application** but not in the manner specified by 37 CFR 1.78(a) (**e.g., if the claim is included in an oath or declaration** or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office **will not require a petition** under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim **if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt...** (emphasis added)

Attached hereto is a copy of the filing receipt for the above-identified application which shows the priority claim.

Thus as indicated by MPEP 200.11(D) this amendment is to be entered without the need to file a petition to add the reference to the priority document on the first page of the application.

The Examiner has rejected claims 31-33 and 44 under 35 USC §102(b) as being anticipated by Robinson et al. (EP-A-0 878 729). Of these claims, claims 31 and 44 are independent and will be addressed first.

Claims 31 as amended call for in part:

"... the integrated spatial light modulator having a substantially planar

liquid crystal layer, a single two dimensionally continuous layer reflective of said light of said wavelength and a wave-plate layer..."

Similarly, claim 44 as amended calls for:

"...an integrated spatial light modulator comprising a liquid crystal layer, a wave plate layer having an optical retardance of $(2n+1)\lambda/4$ and a single two dimensionally continuous reflector layer..."

From Fig. 4, and the corresponding discussion in the Specification at page 18, lines 8-9 where it says "As seen in figure 4, the SLM consists of an aluminium pad 120..." and at line 27 where it says "...the aluminium pad acts as a mirror..." supports the "reflective layer" of claims 31 and 44 being said to be "single two dimensional continuous".

Robinson, on the other hand, in his discussion of Fig. 7 at col. 9 in lines 6-7 calls for "The substrate 12 carries reflecting addressing electrodes 15 in the form of parallel elongated strips...". Then in relation to Robinson's Fig. 10 at col. 10 in lines 44-46, he says "...but with the positions of the "plane" electrodes 13 and the interdigitated electrodes 15 exchanged compared with Figures 7 to 9." In other words what was labeled "15" in Fig. 7 is labeled "13" in Fig. 10, and what was labeled "13" in Fig. 7 is labeled "15" in Fig. 10. Then in Fig. 10 Robinson shows the (reflecting) electrodes 13 as rows of strips of various lengths that are not aligned with each from row to row. From a reading of Robinson, no method could be found of a single two dimensionally continuous reflector layer as in amended claims 31 and 44 herein. In fact, for Robinson's purposes he must have the strip electrodes and a single two dimensionally continuous reflector layer would not work to provide his desired results.

That being the case, independent claims 31 and 44 clearly distinguish over Robinson and are thus in condition for allowance. Thus claims 32 and 33 are also

distinguishable from Robinson since they are dependent from claim 31.

Thus claims 31-33 and 44 are all in condition for allowance.

The Examiner has rejected claims 34, 36 and 37 under 35 USC §103(a) as being obvious from Robinson in view of Mears (USP 5,930,012). Of these claims, claim 34 is independent and will be addressed first.

Claim 34 has been amended similarly to claims 31 and 44 and now calls for in part "a single two dimensionally continuous layer reflective of said light" and thus is distinguishable from Robinson for the reasons discussed above with respect to claims 31 and 44.

Mears, in addition to not disclosing or suggesting the limitations shown not to be anticipated by Robinson, Mears, as is Robinson, incapable of providing off-normal incidence which the present invention is capable of providing. One can see that the final portion of claim 34 is not limited to only providing normal incidence wherein it states in part

"...the voltage application circuitry is adapted to apply voltages to said array of electrodes for varying a deflection angle of light and the second integrated spatial light modulator is disposed with respect to the first integrated spatial light modulator for receiving light from said first integrated spatial light modulator thereby to route said light."

Thus claim 34 as amended is clearly distinguishable from both Robinson and Mears whether taken alone or in combination. Thus claims 36 and 37 are also distinguishable from Robinson and Mears since they are dependent from claim 34.

Thus claims 34, 36 and 37 are each in condition for allowance.

Further since claim 34 is now in condition for allowance, claims 35 and 38 which were objected to by the Examiner are now allowable without amendment.

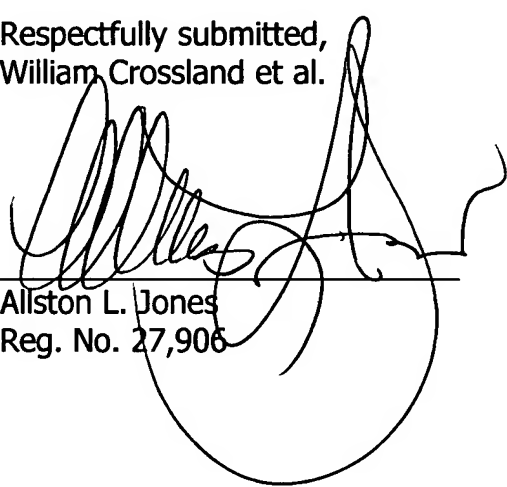
Thus for the above stated reasons, and other reasons that are not necessary to discuss at this time, claims 31-44 are allowable to the Applicants.

To better claim the present invention several new claims have been added which are distinguishable from Robinson and Mears.

Favorable action is respectfully requested.

Respectfully submitted,
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by


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